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WQC number: 875-6001-WQC-1

Public Notice

Closing Date:
5/20/2015

This letter serves as the formal notice of the receipt of an application for a Section 401 Water Quality Certification by the Kentucky Division of Mine Permits (KDMP). The purpose of this notice is to inform the public of active applications awaiting certification under Section 401 of the Clean Water Act (33 U.S.C. § 1341) and to solicit comments and information on any impacts to water quality as it related to the specific project. DMP will evaluate whether the project complies with Kentucky's water quality standards.

The comment period will run for 30 days, as is indicated in the upper portion of this notice. Any person who wishes to comment or receive information pertaining to the pending WQC application, must contact the WQC coordinator at 502 564-2320, or submit comments to: Water Quality Certification 2 Hudson Hollow, Frankfort KY 40601, within the 30 day comment period. All comments will be reviewed and water quality issues will be considered during the review process.

The public may review the detailed Compensatory Mitigation Plan at the Division of Mine Permits office at: #2 Hudson Hollow Frankfort, KY 40601

**Commonwealth of Kentucky
Department for Natural Resources
Division of Mine Permits**

Application for Water Quality Certification for Surface Coal Mining Activities

The Clean Water Act Section 401 Water Quality Certification (WQC) program in Kentucky ensures that activities which may involve a discharge into waters of the Commonwealth which require federal permit or license are consistent with Kentucky's water quality standards in 401 KAR Chapter 5. The Environmental and Public Protection Cabinet has authorized the Department for Natural Resources to issue water quality certifications related to surface coal mining operations. The project may not start until all necessary approvals are obtained. For questions concerning the WQC process, contact the WQC Coordinator at (502)-564-2320.

1. **Applicant Name:** Hartshorne Mining Group, LLC
Mailing Address: 6724 E. Morgan Ave., Suite B
Evansville, IN 47715
Contact Person: Matt Haaga
Telephone No: (812) 406-4400
E Mail Address: mhaaga@hartshornemining.com
2. **Consultant Name & Address:** Keith Crim, T.H.E. Engineers, Inc.
2331 Fortune Drive, Suite 295, Lexington, KY 40509

Telephone No. (859) 263-0009
E Mail Address: keith@theengrs.com
3. **Provide a brief description of the proposed activity and stream impact.**
Develop a barge dock/loading facility and conveyor for an underground mining operation in McLean County, approximately 2.0 miles southwest of Rumsey, off KY138. The project will impact 40' of perennial, 40' of intermittent, and 40' of ephemeral stream. One stream impact occurs in a watershed more than 480 acres. There will also be impacts to a total of 0.352 acres of wetlands. In addition, if the new facilities are approved, an existing permitted barge loading area will be eliminated. No impacts to waters are expected at the proposed loading site.
4. **Project Location Information:**

County McLean; **USGS Quadrangle Name** Paradise

Nearest Community & Road Intersection: Rumsey, KY138/KY939

Latitude N37.525278 **Longitude** W87.290833 (Approximate center of the project area)
5. **List the names of all streams affected by the proposed project:** Cypress Creek and unnamed tributaries (conveyor), and Green River (barge loading facility).

6. For each affected watershed provide the acreage above the toe of the lowest permanent structure.

Drainage areas for stream impacts are noted in the attached "Stream Habitat Assessment and Wetland Delineation Report". The largest watershed affected directly by an impact (stream crossing) is approximately 1888 acres in size.

7. For each affected stream provide the linear feet of impact, whether the impact is temporary or permanent and indicate if the stream reach is classified as ephemeral, intermittent, or perennial.

A list of each stream and its proposed impact is noted in the "Summary of Impacts Table" in the IP Application. In summary, there are impacts to 40' of perennial, 40' of intermittent, and 40' of ephemeral stream.

8. Provide the acreage of wetlands that would be impacted: 0.352 acres (total)

9. Beginning at the nearest intersection of two public roads, provide directions to the project site:

From Rumsey, go 1.7 miles west along KY138 to the KY138/KY939 intersection. Turn left onto KY939 and travel southwest for 2.2 miles. The project area lies on both sides of the roadway at this point. For the barge loading facility, see map.

10. Has application been submitted to the U.S. Army Corps of Engineers for this project? Yes ☒ No _____. If yes, indicate type of application:

NW 12 ____ NW 14 ____ NW 21 ____ NW 27 ____ NW 49 ____
NW 50 ____ Individual ☒ Other _____

11. Provide the following permit numbers associated with this mining activity:
SMCRA Permit No. 875-6001, KPDES No. _____

12. The following attachments must be provided:

- IP Application, including Proposed Stream and Wetland Mitigation, "Macroinvertebrate & Fish Bioassessment Report", and "Threatened and Endangered Species Assessment"
- A watershed map showing all ponds and wetlands to scale, with all perennial, intermittent, and ephemeral stream reaches clearly identified.
- A 7.5 minute topographic map delineating the proposed project area.

List all other plans and profiles included with this application:

"Stream Habitat Assessment and Wetland Delineation Report".

I hereby request approval for construction across or along a stream as described in this application and supporting attachments. All of the information provided with this application is true and accurate to the best of my belief and knowledge.

Applicant's Signature:

_____, Date: _____
If signed by applicant's agent, attach power of attorney

SUBMIT APPLICATION AND ATTACHMENTS TO:

**WQC COORDINATOR
DIVISION OF MINE PERMITS
#2 HUDSON HOLLOW
FRANKFORT, KENTUCKY 40601**